

REMARKS

Claims 1-8 and 10-71 are pending in this application.

Applicants have amended claims 1, 38, 47, 52, 55, 57, 61, and 62, and have canceled claim 9. These changes do not introduce any new matter.

Applicants respectfully request reconsideration of the rejection of claims 1, 2, 5-11, 18-21, 26-29, 52-54, 57-65, 67, and 69-71 under 35 U.S.C. § 102(b) as being anticipated by *Shiota et al.* (U.S. Patent No. 6,011,547). As will be explained in more detail below, the *Shiota et al.* reference does not disclose each and every feature specified in independent claims 1, 18, 26, 52, 57, 61, 62, 64, 67, 69, and 71, as presented herein.

The *Shiota et al.* reference discloses an image reproducing method that reproduces digital image data obtained by a digital camera. In this method, digital camera 1 adds recording information to image data, and the recording information and image data are stored as an image file in image server 2. Image reproducing apparatus 3 obtains the image file from image server 2, and uses the recording information to carry out image processing on the image data in the image file. Image reproducing apparatus 3 has the capability of adding the value of a parameter, which is used as a processing condition for image processing, to the image file.

Applicants have amended claim 1 to specify that the image data generating apparatus includes a storage mechanism that is configured to hold therein the image process control information, and that the image process control information obtaining mechanism is configured to obtain the image process control information from the storage mechanism.

Applicants respectfully traverse the Examiner's characterization that the image generating apparatus of *Shiota et al.* obtains image process control information as in the claimed subject matter. Nevertheless, even if the *Shiota et al.* reference is characterized in the manner advanced by the Examiner, the digital still camera shown in the *Shiota et al.*

reference does not obtain a processing condition and associate the processing condition with target image data. Further, an image server as shown in the *Shiota et al.* reference is merely a memory device, and even if the image server is situated remotely, it is used in the same way that a local hard disk drive (HDD) is used. Consequently, the image server shown in the *Shiota et al.* reference does not carry out any processing. Thus, for at least these reasons, the *Shiota et al.* reference does not disclose each and every feature of claim 1, as presented herein.

Regarding claims 18, 52, and 67, Applicants submit that that the “means for obtaining image process control information” specified in claims 18 and 67 corresponds to the structure described in the specification that obtains the image process control information from an image generating apparatus, e.g. a digital still camera (DSC). In contrast, as discussed above, the *Shiota et al.* reference obtains the information that is alleged to correspond to the image process control information from an image server. Regarding claim 52, Applicants have amended this claim to specify a means for retrieving the image file *from an image data generating apparatus* and providing the image file to the processor, with the image file including the image data and the image process control information. Thus, for at least the foregoing reasons, the *Shiota et al.* reference does not disclose each and every feature of claims 18, 52, and 67, as presented herein.

Turning to independent claims 57, 61, and 62, Applicants have amended each of these claims to specify that the image process control information is either obtained from an image data generating apparatus (claims 57 and 62) or provided by an image data generating apparatus (claim 61). In contrast, as discussed above, the *Shiota et al.* reference obtains the information that is alleged to correspond to the image process control information from an image server. Thus, for at least this reason, the *Shiota et al.* reference does not disclose each and every feature of claims 57, 61, and 62, as presented herein.

Regarding claim 71, Applicants respectfully traverse the Examiner's characterization of the *Shiota et al.* reference as disclosing a digital still camera having each and every feature specified in claim 71. In support of the anticipation rejection, the Examiner relies on items shown in the *Shiota et al.* reference that are not part of a digital still camera, e.g., image server 2 and print 14. As such, for at least these reasons, the *Shiota et al.* reference does not disclose each and every feature of claim 71.

Accordingly, for at least the foregoing reasons, independent claims 1, 18, 26, 52, 57, 61, 62, 64, 67, 69, and 71, as presented herein, are patentable under 35 U.S.C. § 102(b) over *Shiota et al.* The claims depending from the above-listed independent claims are likewise patentable under 35 U.S.C. § 102(b) over *Shiota et al.* for at least the same reasons set forth regarding the applicable independent claim.

Applicants respectfully request reconsideration of the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over *Shiota et al.* in view of *Liu et al.* (U.S. Patent No. US 6,523,046 B2). The *Liu et al.* reference does not cure the above-discussed deficiencies of the *Shiota et al.* reference relative to claim 1, as presented herein. Accordingly, claims 3 and 4 are patentable under 35 U.S.C. § 103(a) over the combination of *Shiota et al.* in view of *Liu et al.* for at least the same reasons set forth above regarding claim 1.

Applicants respectfully request reconsideration of the rejection of claims 12-17, 22-25, 30-36, 47-51, 55, and 56 under 35 U.S.C. § 103(a) as being unpatentable over *Shiota et al.* in view of *Telle* (U.S. Patent No. 5,105,266). The *Telle* reference, which is cited to show the converting of colors from one color space to an absolute color space, does not cure the above-discussed deficiencies of the *Shiota et al.* reference relative to the presently claimed subject matter. Thus, the combination of *Shiota et al.* in view of *Telle* would not have suggested to one having ordinary skill in the art the subject matter defined in claims 12-17, 22-25, 30-36, 47-51, 55, and 56.

Accordingly, claims 12-17, 22-25, 30-36, 47-51, 55, and 56 are patentable under 35 U.S.C. § 103(a) over *Shiota et al.* in view of *Telle*.

Applicants respectfully request reconsideration of the rejection of claim 37 under 35 U.S.C. § 103(a) as being unpatentable over *Shiota et al.* in view of *Telle* and *Liu*. Claim 37, which depends from claim 34, is patentable over the asserted combination of references for at least the reason that this claims depends from claim 34.

Applicants respectfully requests reconsideration of the rejection of claims 38-42 and 44-46 under 35 U.S.C. § 103(a) as being unpatentable over *Shiota et al.* in view of *Kondo*. Neither the *Shiota et al.* reference nor the *Kondo* reference discloses or suggests the use of image process control information as specified in the presently claimed subject matter. Accordingly, independent claim 38 and claims 39-42 and 44-46 that ultimately depend therefrom are patentable under 35 U.S.C. § 103(a) over *Shiota et al.* in view of *Kondo*.

Applicants respectfully request reconsideration of the rejection of claims 66 and 68 under 35 U.S.C. § 103(a) as being unpatentable over *Shiota et al.* in view of *Telle* and *Kondo*. Neither the *Telle* reference nor the *Kondo* reference cures the above-discussed deficiencies of the *Shiota et al.* reference relative to the claimed subject matter. Accordingly, for at least the foregoing reasons, claims 66 and 68 are patentable under 35 U.S.C. § 103(a) over the combination of *Shiota et al.* in view of *Telle* and *Kondo*.

Applicants respectfully request reconsideration of the rejection of claim 43 under 35 U.S.C. § 103(a) as being unpatentable over *Shiota et al.* in view of *Kondo* and *Liu et al.* Claim 43 ultimately depends from independent claim 38. None of the *Shiota et al.*, *Kondo*, and *Liu et al.* references discloses or suggests the use of image process control information as specified in the presently claimed subject matter. Accordingly, claim 43 is patentable under 35 U.S.C. § 103(a) over the combination of *Shiota et al.* in view of *Kondo* and *Liu et al.*

Application No. 09/941,711
Amendment dated July 27, 2006
Response to Office Action dated April 27, 2006

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-8 and 10-71, as presented herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP005).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read 'P. B. Martine', with a stylized flourish at the end.

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